



## BOARD OF ADJUSTMENT

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### MEETING AGENDA

March 14, 2013

4:30 p.m.

*\*Pledge of Allegiance*

#### Regular Agenda Items

1. BOA 2013-01 Consideration and action of a variance request for a single-family dwelling to encroach 5 feet into the 30 foot rear yard setback on property located at 5518 East Powder Ridge Circle in the Wolf Creek area. (Brian J. & Mary Elaine Hockridge, Applicants)
2. BOA 2013-03 Consideration and action on a request for a variance to lot area and frontage requirements of the Agricultural (A-2) Zone located at 1384 S 5100 W. (Cole Eskelson, Applicant)
3. Training Making Motions
4. Adjournment

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center,  
1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah.*



*In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should  
call the Weber County Planning Commission at 801-399-8791*





## Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a variance request for a single-family dwelling to encroach 5 feet into the 30 foot rear yard setback on property located at 5518 East Powder Ridge Circle (3850 North Street) in the Wolf Creek area.

**Agenda Date:** Thursday, March 14, 2013

**Applicant:** Brian J. & Mary Elaine Hockridge

**File Number:** BOA 2013-02

#### Property Information

**Approximate Address:** 5518 East Powder Ridge Circle

**Project Area:** 24,557 square feet

**Zoning:** Residential Estates-15 (RE-15)

**Existing Land Use:** Vacant residential building lot

**Proposed Land Use:** Single-family residential

**Parcel ID:** 22-195-0003

**Township, Range, Section:** T7N, R1E, Section 23

#### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Residential
<b>East:</b>	Residential	<b>West:</b>	Residential

#### Staff Information

**Report Presenter:** Scott Mendoza  
smendoza@co.weber.ut.us  
801-399-8769

**Report Reviewer:** RS

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 3 (RE-15 Zone)
- Weber County Zoning Ordinance Chapter 29 (Board of Adjustment)

### Background

The applicant is requesting a variance to allow a single-family dwelling to encroach 5 feet into the 30 foot rear yard setback on property (Lot 8 of Highlands at Wolf Creek Phase 1) located at 5518 East Powder Ridge Circle (3850 North Street) in the Wolf Creek area. Highlands at Wolf Creek Phase 1 was approved and recorded in June of 2002. Lot 8 is a "corner lot" that has an overall area of 24,557 square feet; however, it is restricted by a "building envelope" that limits all construction to an area that consists of approximately 7,200 square feet. See Exhibit A for variance application. See Exhibit B for applicant's narrative addressing the criteria for granting a variance and specifically page 6 of Exhibit B for a drawing of Lot 8 and its building envelope.

The applicant recently submitted a building permit application for a 3,881 square foot (footprint) home which has been situated within the building envelope that has been shown and approved on the final dedication plat for the Highlands at Wolf Creek Phase 1 Subdivision. During the review of the application (site plan and building plans) it was discovered that the previously approved building envelope had been located 25 feet from Lot 8's easterly property line. This location lies 5 feet into the rear yard setback. The easterly property line of Lot 8 is considered the rear due to a preference for orienting a future home towards Powder Ridge Circle. See Exhibit C for a Lot 8's proposed site plan.

As stated previously, Lot 8 is a corner lot. Its southerly property line forms the outside of a curved street (Elk Ridge Trail) which also has a vertical curve of approximately 7.5 percent slope according to construction drawings on file in the Weber County Engineer's Office.

## Summary of Board of Adjustment Considerations

One of the duties and powers of the Board of Adjustment is to hear and decide variances from the requirements of the Weber County Zoning Ordinance. Chapter 29 of the Weber County Zoning Ordinance states that *"the Board of Adjustment may grant a variance only if the following 5 criteria are met:"*

1. *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.*
  - a. *In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.*
  - b. *In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.*
2. *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*
  - a. *In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.*
3. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*
4. *The variance will not substantially affect the general plan and will not be contrary to the public interest.*
5. *The spirit of the land use ordinance is observed and substantial justice done.*

The applicant has submitted a narrative addressing the above criteria, which is attached as Exhibit B. The Planning Staff's analysis and findings are provided below:

1. Based on the location of Lot 8 (being a corner lot) and the physical characteristics of Elk Ridge Trail it is unnecessary to strictly enforce the 30 foot rear yard setback requirement. By allowing the dwelling to orient towards Powder Ridge Circle and be constructed within the dedicated building envelope, Lot 8 will benefit from a safer access to Elk Ridge Trail.

There are other corner lots within the subdivision; however, there are no others that have building envelopes that have been memorialized on a subdivision (dedication) plat and face the same physical road characteristics.

This is not a self-imposed or economic hardship because the hardship is created by the physical characteristics of the road.

2. The circumstances attached to this property are special and do not generally apply to other properties in the same zone. The special circumstance that is attached to Lot 8 is its relation to Elk Ridge Trail and its topography. A circumstance like this typically persuades land owners, when given a choice, to access a home from a straighter, flatter, and lower volume road such as Powder Ridge Circle.
3. If able to receive a variance, the applicants will be allowed to orient and access their home off of Powder Ridge Circle. This would direct vehicle trips, associated with the applicant's home, to a street intersection and eliminate car traffic



backing out onto Elk Ridge Trail. Also, the applicant will be allowed to construct a home within the dedicated building envelop, just as all other property owners within this phase can.

4. If the variance is granted it will not affect the any goals or objectives as outlined in the Ogden Valley General Plan. Also, it will not be contrary to the public's interest due to the fact that the public has been on notice, of Lot 8's potential building area, since the date that the Highlands at Wolf Creek Phase 1 Subdivision plat was recorded.
5. If granted, the variance will maintain a substantial setback of 25 feet while allowing construction in an area that is consistent with the building envelope shown on the subdivision's dedication plat. It will also provide relief from the physical hardships associated with the property.

### Conformance to the General Plan

Single-family dwellings are allowed as a permitted use in the RE-15 Zone. If the requested variance is granted, it will not affect the goals and policies of the Ogden Valley General Plan.

### Conditions of Approval

- Meeting the requirements of applicable County review agencies.
- Obtaining a land use permit and a building permit prior to construction.

### Staff Recommendation

Staff recommends approval of the variance request for a single-family residence to encroach 5 feet into the required 30 foot rear yard setback, based on its compliance with the applicable variance criteria discussed in this staff report.

### Exhibits

- A. Application
- B. Applicant's Narrative
- C. Site Plan

### Map





# Weber County Board of Adjustment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed March 5, 2013	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use) BoA 2013-02
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## Property Owner Contact Information

Name of Property Owner(s) Brian J. & Mary Elaine Hockridge	Mailing Address of Property Owner(s) 3555 N Fox Run Dr. No. 305 Eden, UT 84310
Phone 801-745-2782	Fax
Email Address beehock1@gmail.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

## Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)	Mailing Address of Authorized Person
Phone	Fax
Email Address	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

## Appeal Request

☒ A variance request:

\_\_\_ Lot area    ☒ Yard setback    \_\_\_ Frontage width    \_\_\_ Other: \_\_\_\_\_

☐ A Special Exception to the Zoning Ordinance:

\_\_\_ Flag Lot    \_\_\_ Access by Private Right-of-Way    \_\_\_ Access at a location other than across the front lot line

☐ An Interpretation of the Zoning Ordinance

☐ An Interpretation of the Zoning Map

☐ A hearing to decide appeal where it is alleged by appellant that there is an error in any order, requirement, decision or refusal in enforcing of the Zoning Ordinance

☐ Other: \_\_\_\_\_

## Property Information

Approximate Address 5518 E Powder Ridge Circle Eden, UT 84310	Land Serial Number(s) Parcel no. 22-195-0003
Current Zoning RE-15	
Existing Measurements	Required Measurements (Office Use)
Lot Area 24,557 sq ft	Lot Size (Office Use)
Lot Frontage/Width 219.84	Lot Frontage/Width (Office Use)
Front Yard Setback 30	Front Yard Setback (Office Use)
Rear Yard Setback 25	Rear Yard Setback (Office Use)
Side Yard Setback 14	Side Yard Setback (Office Use)
Side Yard Setback 48	Side Yard Setback (Office Use)



### Zoning Variance Request

The Hockridges respectfully request a zoning variance for the rear setback on lot 8 in Highlands at Wolf Creek subdivision. Owner asks for 25 feet setback, instead of 30 feet, as defined in the RE-15 zoning ordinance. This represents no change to the lot and setbacks as shown on the recorded plat, but officially establishes the rear setback since the proper variance was not obtained when the subdivision was created.

Material is provided in this application and in included files that demonstrate that the variance is warranted, and in fact, would correct a series of actions and errors that have occurred on this lot by the developer, engineers, and Weber County officials.

Owner requests a timely resolution to this issue to allow for intended house construction starting in March 2013.

The applicant notes that there are specific issues with this lot that occurred over 10 years ago by various organizations and requests that they be considered as the variance is reviewed:

#### Wolf Creek Resort Developer and Owner:

- Documented subdivision on 17 May 2002 (attachments).
- No variance for rear zoning setback on lot 8 has been found

#### Gardner Engineering:

- Building pad dimensions and setbacks were not explicitly labeled on recorded plat.
- Plat, however, is a scalable drawing – Rear setback is documented as 25 feet (attachments).
- No zoning variance has been found.
- Drawing with lot and building pad dimensions was created and made available for public use.

#### Weber County Planning Commission:

- Approved subdivision plat with rear setback documented as 25 feet (4 Jun 2002).

#### Weber County Surveyor:

- Certified recorded plat with rear setback documented as 25 feet (5 Jun 2002).

#### Weber County Engineer:

- Certified recorded plat with rear setback documented as 25 feet (6 Jun 2002).

#### County Recorder:

- Recorded plat with rear setback documented as 25 feet (6 Jun 2002) (attachments).



### Variance Criteria and Owner Responses

1) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.*

Owner Response: The hardship is located on the property for which the variance is sought and the hardship comes from circumstances peculiar to the property (as described in the request above), not from general neighborhood conditions. The plan for subdivision building pads is well communicated on a subdivision website and also within the Process, Standards & Guidelines document of the Highlands Architectural Review Board. It is widely understood by current landowners and prospective home builders that building must occur only on the building pads. Accordingly, the Hockridges commenced the design of their home on the building pad for lot 8 (including rear setback of 25 feet) which was previously defined and publicly documented.

Adhering to the letter of the ordinance would require re-locating the building pad on the lot and the benefits described in the response to criteria number 2 would be negated.

The hardship is not self-imposed – it was caused by previous errors during the development and recording of the subdivision plat. These clearly are circumstances that are not in the control of the current landowner.

2) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*

Owner Response: Highlands Lot 8 is on a Y-shaped street corner that uniquely aligns the main roadway directly with the front of the house. The Hockridge house has been designed within the provided building pad and is designed to take full advantage of sight lines as well as minimize effects of the oncoming roadway. The building pad is sited to the rear of the lot, which naturally benefits from higher elevation and pushes the structure further from the road to minimize oncoming car headlights and noise, as well as providing maximum privacy.

3) *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*

Owner response: The location of the building pads by the developer was originally made with consideration of neighboring lots and the possible sight lines of those



houses. The site grading plan and house profiles for the Hockridge house have been designed using the provided location and dimensions of the building pad (including the rear setback of 25 feet); consequently, it is preferable to maintain the location and size of the current building pad.

As part of an established design process, the owner and architect designed in good faith, a house for the building pad as shown in the recorded plat. The same is expected from other owners, maintaining the intentions of the subdivision.

*4) The variance will not substantially affect the general plan and will not be contrary to the public interest.*

Owner response: The requested variance of rear setback is for a change of only 5 feet which will not affect either the general subdivision plan (it was already planned for), nor have a negative impact on neighboring property. In fact, there is an existing house on the adjacent lot to the east, and this house is oriented with its side to the rear of Lot 8.

Additionally, approval of this variance would have no impact on the general Weber County zoning plan.

*5) The spirit of the land use ordinance is observed and substantial justice is done.*

Owner response: In granting approval to this zoning variance request, justice will be served by making a correction to an issue that was propagated through multiple actions and errors when the Highlands subdivision was developed and recorded. The recorded plat clearly shows the original intent for a rear setback of 25 feet on Lot 8, even if it wasn't properly obtained at that time. Subsequent documentation and communication of the building pad with the 25 feet rear setback led to the use of such in the design of the Hockridge house.

The intent of the RE-15 zone is to provide and protect residential development at a low density in a semi-agricultural or rural environment, and the owners believe that this purpose will not be sacrificed with approval of this request. In fact, landowners in the Highlands, and certainly those adjacent to subject lot already understood that the rear setback of Lot 8 was 25 feet.

#### Attachments

- Highlands at Wolf Creek Phase 1 - Recorded Plat – 6 Jun 2002
- Recorded Plat – Lot 8 Expanded
- Highlands Website Diagram of Lots and Building Pads for Phase 1



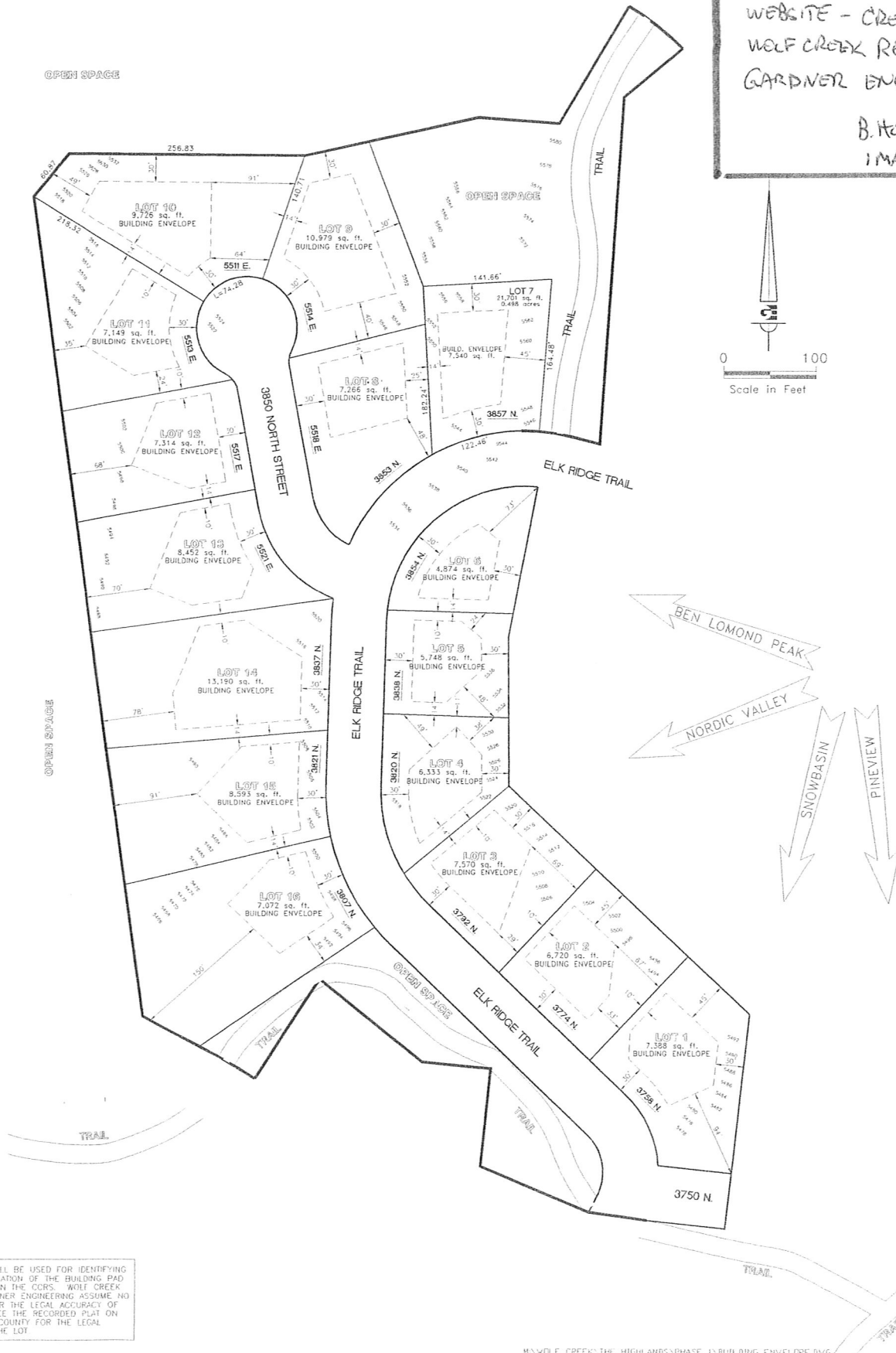


# THE HIGHLANDS AT WOLF CREEK PHASE 1

EXHIBIT B 5/6

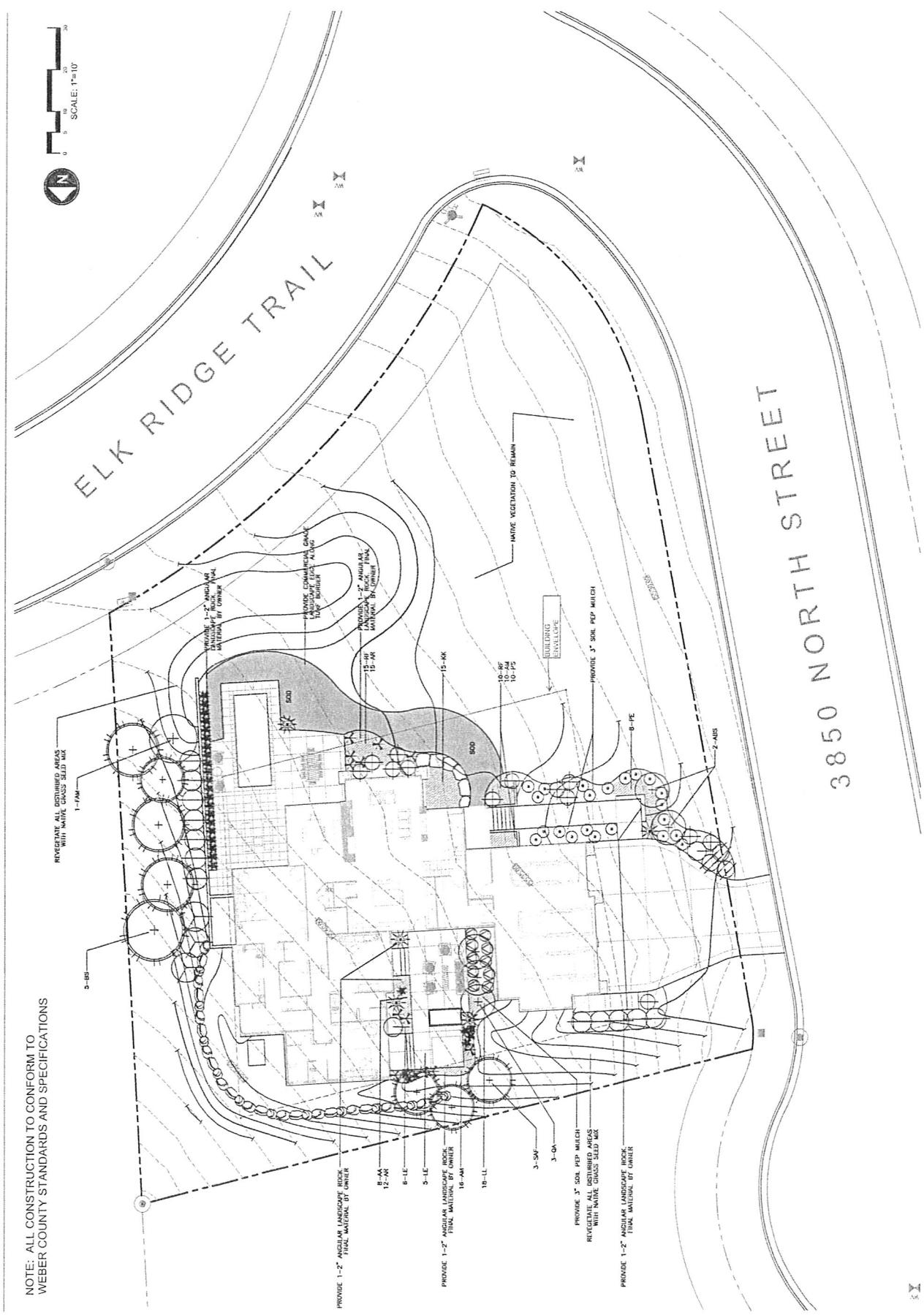
DIAGRAM ON HIGHLANDS  
WEBSITE - CREATED BY  
WOLF CREEK RESORT AND  
GARDNER ENGINEERING

B. HOCKRIDGE  
1 MAR 2013











# Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for a variance to lot area and frontage requirements of the A-2 Zone.

**Agenda Date:** Thursday, March 14, 2013

**Applicant:** Cole Eskelson

**File Number:** BOA 2013-03

### Property Information

**Approximate Address:** 1384 South 5100 West

**Project Area:** 13,500 square feet

**Zoning:** A-2

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 15-054-0060

**Township, Range, Section:** T6N, R2W, sec17

### Adjacent Land Use

<b>North:</b>	Agriculture	<b>South:</b>	Agriculture
<b>East:</b>	Agriculture	<b>West:</b>	Agriculture

### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766

**Report Reviewer:** SW

## Applicable Ordinances

- Zoning Ordinance chapter 6 Agriculture (A-2)
- Zoning Ordinance chapter 29 Board of Adjustment

## Background

The petitioner is requesting a variance to the minimum lot frontage and area requirements for a parcel in the Agricultural (A-2) Zone, located at approximately 1384 South 5100 West. The variance is being requested because the parcel in question does not currently meet the minimum requirements for the A-2 Zone in which it is located. This parcel was created in 1979 in an Agricultural (A-2) Zone which required a minimum lot area of 40,000 square feet and a minimum lot width of 150 feet at that time. Zoning regulations became effective in the Western Weber County 1962. The parcel contained approximately 13,500 square feet and 75 feet of frontage when it was created, well below requirements of the A-2 Zone. The parcel does contain a single family dwelling which was built in 1906 and which would have been considered a legal-nonconforming use had it not been further divided and reduced to its current state. The Weber County Planning Office would not issue a Land Use Permit to build or rebuild a structure on this property as it now stands because the parcel has been illegally divided bringing it below required standards. No previous BOA case could be found for the parcel in question.

The Board of Adjustment may grant a variance only if findings can reflect that the request has met the five below criteria. The applicant has addressed these criteria in the narrative provided as Exhibit A.

## Summary of Board of Adjustment Considerations

Chapter 29 (29-3.2) of the Weber County Zoning Ordinance states that one of the duties and powers of the Board of Adjustment is: "To hear and decide variances from the requirements of the Weber County Zoning Ordinance." (29-3.2). Standards and criteria by which variances may be granted are shown in chapter 29 section 4-2, the particular five criteria addressed are in 2-B 1 through 5:

2. Variances from the requirements of the Weber County Zoning Ordinance
  - A. Any person(s) or entity desiring a waiver or modification of the requirements of the Weber County Zoning Ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Zoning Ordinance.
  - B. The Board of Adjustment may grant a variance only if the following 5 criteria are met:



1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
  - a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
  - b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
  - a. In determining whether there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the land use ordinance is observed and substantial justice done.
- C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- D. Variances run with the land.
- E. The appeal authority may not grant a use variance.
- F. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
  1. Mitigate any harmful effects of the variance; or
  2. Serve the purpose of the standard or requirement that is waived or modified.

**Staff Findings:** After reviewing the request for a variance, staff has determined that the 5 criteria listed have not been met for the following reasons:

- The parcel was created as an illegal subdivision which did not meet zoning requirements for the A-2 Zone in which it was located at the time it was created. This is a self imposed hardship, not created by the current owner, but the hardship runs with the land.
- The small lot does not fit with other larger parcels in the surrounding area and is in conflict with the General Plan.
- Staff could not find any hardship or other circumstance with the land that would require the property to be divided in this manner.

The Board of Adjustment should consider staff's findings and the criteria listed above to determine whether the variance should be granted.

### **Staff Recommendation**

The Board of Adjustment may grant a variance if all 5 criteria listed above are met. The applicant cannot meet the 5 criteria; therefore Staff recommends denial based on this parcel being created as an illegal subdivision which did not meet zoning requirements for the A-2 Zone in which it was located at the time it was created. Under State law variances cannot be granted for self-imposed or financial hardships. Although the petitioner did not create the hardship it is still considered self-imposed and it runs with the land.

### **Exhibits**

- A. Application and applicant's request and response to criteria

# Weber County Board of Adjustment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 3/5/13	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use)
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## Property Owner Contact Information

Name of Property Owner(s) Cole Eskelson	Mailing Address of Property Owner(s) 465 w 5100 s Washington Terrace, UT
Phone 330.840.8596	Fax
Email Address cole.eskelson@gmail.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

## Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)	Mailing Address of Authorized Person
Phone	Fax
Email Address	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

## Appeal Request

☒ A variance request:

☒ Lot area ☐ Yard setback ☒ Frontage width ☐ Other: \_\_\_\_\_

☐ A Special Exception to the Zoning Ordinance:

☐ Flag Lot ☐ Access by Private Right-of-Way ☐ Access at a location other than across the front lot line

☐ An Interpretation of the Zoning Ordinance

☐ An Interpretation of the Zoning Map

☐ A hearing to decide appeal where it is alleged by appellant that there is an error in any order, requirement, decision or refusal in enforcing of the Zoning Ordinance

☐ Other: \_\_\_\_\_

## Property Information

Approximate Address 1384 S 5100 W		Land Serial Number(s) 150540060	
Current Zoning A-2			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 13,500	Lot Frontage/Width 75 ft	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	Rear Yard Setback	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback	Side Yard Setback	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)



### Applicant Narrative

Please explain your request.

We are seeking a variance to the lot frontage and area requirements. We are trying to sell this property and no lender will lend on the property due to the nonconforming requirements. This property was illegally subdivided in 1989 and has had several owners and mortgages since then. We have also spoken to the owner of the land that surrounds our property and he will not consider selling the needed land to conform to the zoning requirements.

We would like to do a one-lot subdivision to take care of this problem once and for all. If the subdivision cannot be granted we would like the county to issue a conditional use permit, or a letter allowing subsequent owners to obtain a rebuild permit in the event of fire, etc.

### Variance Request

Explain how the variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

We do not believe that the board's approval of the proposed variance will significantly affect the county's master plan because it has not been a problem in the last 24 years. To the community, this lot already appears to have the blessing of the county. I believe that the A-2 zoning was put in place by the county to give preference to farming and other agricultural activities, by making this a legally-zoned subdivision, no farming or agricultural use will be restricted.

If no variance is granted, the community stands to lose a beautiful home and a well-maintained property that has been a blessing to the community for the last 105 years. We are requesting the variance so that we can sell the home to someone who will show pride in home homeownership and continue to care for the property, rather than have the property rented to someone who may not show the same level of pride and care.

**Variance Request (continued...)**

List the special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

This property already has a single-family home on it and does not meet the lot size or frontage requirements. Other properties in the zone do not already have homes on them.

Based upon the previously stated special circumstances, clearly describe how the property covered by this application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.

The other properties in the zone are able to be bought and sold freely. If this parcel was granted the variance it could also be bought and sold freely and would be a part of the community for years to come.

Other properties in this zone are able to be purchased and sold. Or rebuilt as needed due to a fire or other natural disaster.

### Variance Request (continued...)

Explain how the previously listed special circumstances are not considered to be economic or self-imposed hardships.

This is not a self-imposed hardship, because I was not the person that illegally subdivided the lot.

### Property Owner Affidavit

I (We), Cole Eskelson, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.



(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 6 day of March, 20 13

\_\_\_\_\_  
(Notary)

### Authorized Representative Affidavit

I (We), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), \_\_\_\_\_, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

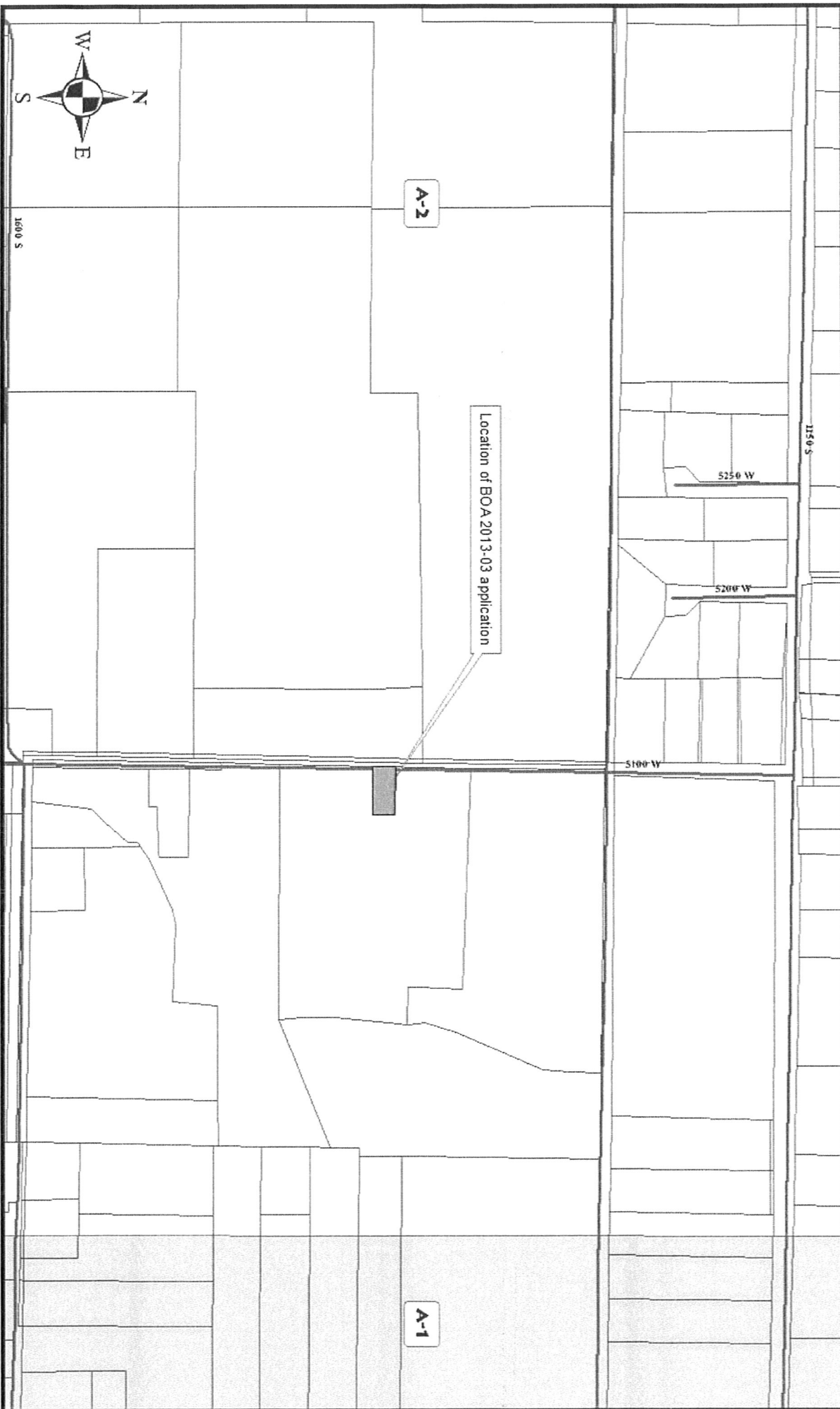
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

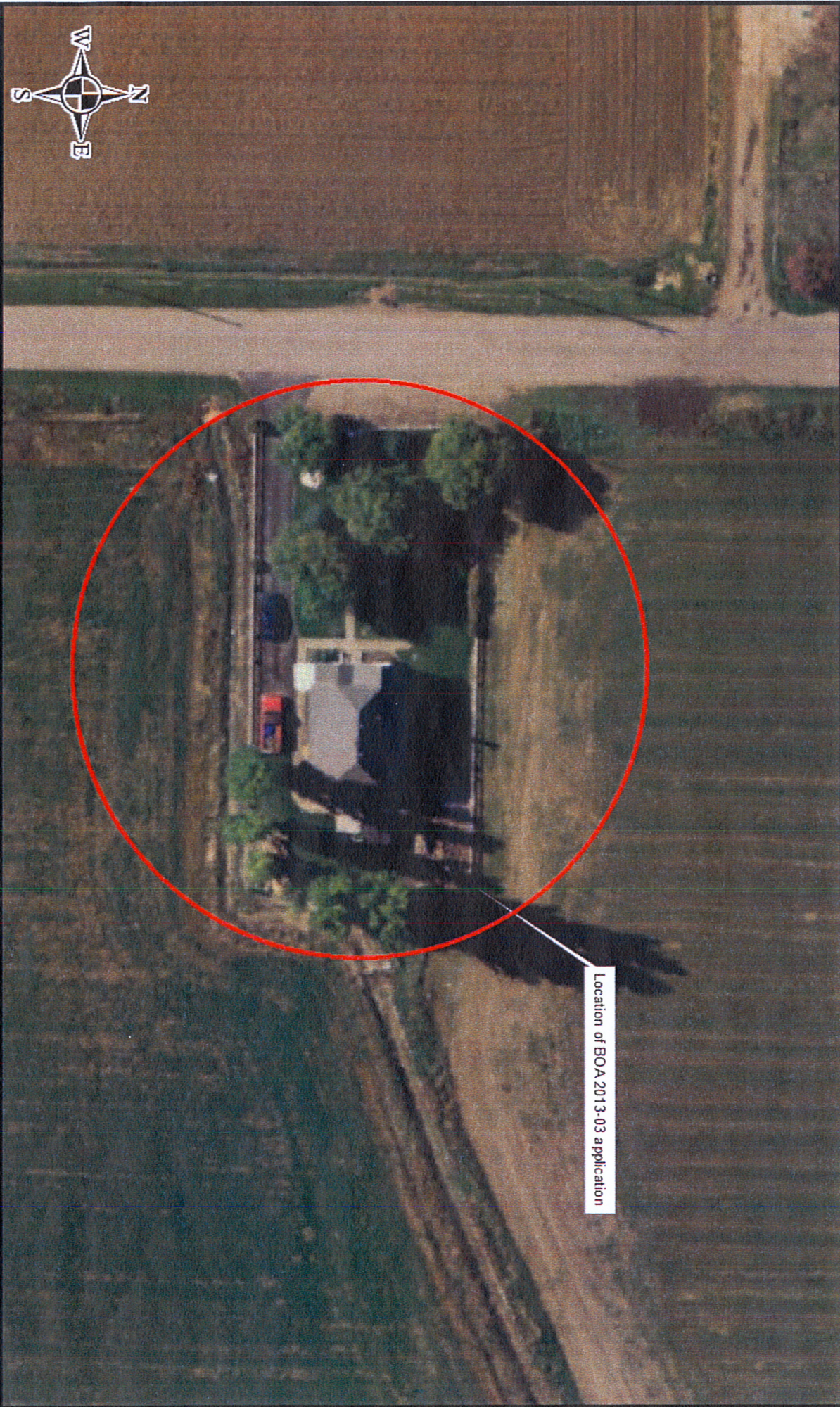
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
(Notary)









Location of BOA 2013-03 application